

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NAU COUNTRY INSURANCE
COMPANY,

Plaintiff,

v.

FRANK M. WOOD, as the Director
of the National Appeals Division,
and ALT'S DAIRY FARM, LLC,

Defendants.

Case No. 1:23-cv-00127

Hon. Janet T. Neff
U.S. District Court Judge

Hon. Ray Kent
U.S. Magistrate Judge

DECLARATION OF BRENDA V. SEEGARS

I, Brenda V. Seegars, make the following declaration:

1. I am employed by the United States Department of Agriculture, National Appeals Division, Office of Hearings and Appeals, as a Legal Affairs Officer. I have held the position for approximately thirteen (13) years. In my current capacity, I compiled the subject Administrative Record.
2. To the best of my knowledge, the attached index and documents referenced therein constitute the true and accurate Administrative Record, appropriate to the allegations of the Complaint filed in the above-captioned matter.
3. Pursuant to 29 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and I would so testify if called upon to do so in a Court of law.

Dated this 13th day of June, 2023.



BRENDA V. SEEGARS
Legal Affairs Officer
USDA National Appeals Division
Office of Hearings and Appeals

United States of America

U.S. DEPARTMENT OF AGRICULTURE (USDA)

NATIONAL APPEALS DIVISION (NAD)

OFFICE OF HEARINGS AND APPEALS (OHA)

ALEXANDRIA, VIRGINIA

ADMINISTRATIVE CASE RECORD FOR NAD Case No. 2022E000108

In the Matter of Alt's Dairy Farms, LLC; D/B/A Alt's Dairy v. Risk Management Agency

[Paginated by consecutive six-digit numbers in the center of the page]

BATES NUMBERING PAGE(S)

000001 Record cover

Adverse Decision, Appeal Request, Notices

000002-000011	Adverse Decision (February 18, 2022)
000012-000013	Authorization for Representation/Release of Information and Declaration of Entry of Appearance by John D. Tallman, for Alt's Dairy Farms, LLC. (March 10, 2022)
000014-000026	Alt's Request for Appeal Hearing (March 11, 2022)
000027-000029	eFile Request Appeal Request (March 14, 2022)
000030-000038	Notice of Appeal and Request for Agency Record (March 14, 2022)
000039-000040	Letter from Sandra L. Jensen, Deputy Regional Director, to NAU Country Insurance Company, re Interested Party (March 15, 2022)
000041-000043	Notice of Prehearing Conference (March 17, 2022)
000044-000045	Email from SM.OHA.ERO. Notices, to John Tallman, Brian Frieden, Josh Engelking, and James Holden, re Remove improper email and add correct email (March 14, 2022)

Alt's Dairy Farms, LLC D/B/A Alt's Dairy – 2022E000108 v. Risk Management Agency

000046	Letter from John Tallman, to Honorable James R. Holden, Administrative Judge, re Witness will be those referenced in the Arbitration Award of March 2, 2022 (March 30, 2022)
000047-000051	Prehearing Conference Report (April 13, 2022)
000051A	Audio of Prehearing Conference (April 12, 2022)
000052-000054	Request for Continuation (May 17, 2022)
000055-000059	Agency Prehearing Brief (May 17, 2022)
000060	Appellant's Witness List (May 17, 2022)
000061-000080	Appellant's Exhibit List (May 17, 2022)
000081-000082	Appellant's Exhibit B (Alt's Dairy Farm's QBE NAU Insurance policy dated February 18, 2015)
000083-000085	Notice of Rescheduled Hearing (May 25, 2022)
000086	Memo from James R. Holden, Administrative Judge, to Duane Sinclair, Eastern Regional Director, re Request for Rescheduling Beyond 75 days (March 10, 2023)
000087	Memo from Duane Sinclair, Eastern Regional Director, to James R. Holden, Administrative Judge, re Authorized Administrative Judge to Reschedule Beyond 75 days (May 25, 2022)
000088-000089	Hearing Attendance Sheet (June 14, 2022)
000089A-000089B	Audio of Hearing (June 14, 2022)
000090-000092	Appellant's Post Hearing Brief (June 27, 2022)
000093-000142	Appellant Post Hearing Brief Exhibit 1 – 7
000143-000211	Interested Party Post Hearing Brief (July 14, 2022)
000212-000215	Agency Post Hearing Brief (July 14, 2022)
0000216	Appellant Rebuttal Letter (July 15, 2022)

Agency Documents

000217- 001439	Risk Management Agency Record
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Appeal Determination

001440-001452	Appeal Determination (August 12, 2022)
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Request for Director Review

001453-001460 Agency Request for Director Review (September 2, 2022)

001461-001462 Notice of Request for Director Review (September 6, 2022)

001463-001466 Appellant's Response to Agency Request for Director Review (September 8, 2022)

001467-001471 Request for Director Review by Interested Party NAU Country Insurance Company (September 12, 2022)

001472-001481 Letter and Director Review Determination (October 28, 2022)


001482-001485 Agency Request for Reconsideration of Director Review (November 7, 2022)

001486-001490 Memorandum in Support of the Agency's Request for Reconsideration of Director's Review (November 11, 2022)

001491-001496 Appellant's Response to Agency's Request for Reconsideration of Director Review (November 23, 2022)

001497-001502 Director's Response to Request for Reconsideration (January 3, 2023)

I hereby certify that the attached documents, including copies of all filings submitted by the parties, all letters of acknowledgment and filings sent to the parties by the Department of Agriculture ("USDA"), and all Administrative Judge and Director Decisions issued to the parties by the USDA, are true and accurate copies of the documents contained in NAD's case record respecting the above-referenced case. I declare under penalty of perjury that the foregoing is true and correct. The attached documents may contain information that is subject to withholding from disclosure under 5 U.S.C. § 552 and 7 U.S.C. § 8791.


Brenda V. Seegars
Brenda V. Seegars, Legal Affairs Officer
National Appeals Division
Office of Hearings and Appeals

Date: June 13, 2023